

Remarks

The Examiner has withdrawn the application from appeal and has re-opened prosecution. Applicant understands that he can reinstate the appeal without payment of additional appeal fees.

Claims 10, 13, 14, 16, and 17 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that these claims are method claims that depend from apparatus claims. This is a common practice in the U.S. Patent and Trademark Office and many patents have issued with this type of claim in them. See, for example, U.S. Patent Nos. 6,616,376 and 6,455,257. Applicant knows of no section in the MPEP that prohibits doing this and, if the Examiner is aware of such a section, he is requested to cite it. The claims are not indefinite as they could easily be written as independent claims by inserting the subject matter of the claim from which they depend. If that were done, the meaning of the amended claims would be identical, so the claims as now written cannot be indefinite. Claims are presented in this form only to reduce the cost to the applicant.

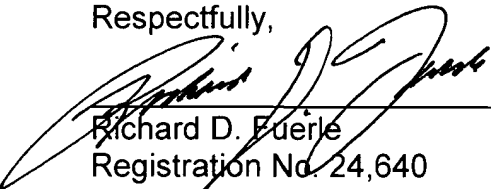
Claims 1 to 4, 6 to 10, 18, and 20 were rejected under 35 U.S.C. 103(a) as obvious over Friedman in view of Bowling. The Examiner has indicated that Claim 5 would be allowable if rewritten in independent form. Since Claim 5 depends from Claim 4, Applicant has taken the content of Claims 4 and 5 and inserted that material into Claim 1. Therefore, Claim 1 and the claims dependent therefrom should be allowable and this rejection should be overcome.

Claims 11 to 14 were rejected under 35 U.S.C. 103(a) as obvious over Friedman in view of Bowling and further in view of Bonge, Jr. Applicant does not understand why the Examiner has found Claim 5 to be allowable, but not Claim 11, as Claim 11 contains all of the limitations of original Claim 5 plus additional limitations that are not in original Claim 5. The Examiner is therefore respectfully requested to reconsider this rejection.

The Examiner indicated that Claim 15 was allowed and that Claims 5 and 19 would be allowable if placed in independent form, which has been done. Claims 16 and 17 depend from Claim 15 and therefore should also be allowed.

All of the claims are now believed to be allowable over the references cited and reconsideration and allowance of all of the claims are therefore requested. The Examiner is invited to call Applicant's attorney at (716) 774-0091 to resolve any remaining problems.

Respectfully,



Richard D. Fuerle
Registration No. 24,640
For Applicant

Richard D. Fuerle
1711 West River Road
Grand Island, NY 14072
(716)-774-0091
August 11, 2004
CASE RD01